



CARLISLE

WORTMAN  
associates, inc.

605 S. Main Street, Ste. 1  
Ann Arbor, MI 48104

(734) 662-2200  
(734) 662-1935 Fax

**MEMORANDUM**

**TO:** Kris Olsson

**FROM:** Sally M. Elmiger, AICP, LEED AP

**DATE:** May 16, 2014

**RE:** Portage Creek Project –  
Dexter Township Water Resource Protection Ordinance Language

As discussed with Zach Michels, Director of Planning and Zoning for Dexter Township, we have made recommendations to their existing Zoning Ordinance to further improve water quality protection. The draft language is attached. Our recommended changes include the following:

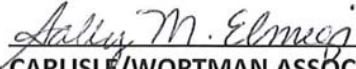
- 1) Added definitions for “surface water body buffer,” “waterfront lot line,” and “waterfront setback.” The ordinance used the front setback regulations for property lines abutting a surface water body. To allow greater flexibility in setbacks from water bodies (including wetlands), we have defined a waterfront lot line and setback.
- 2) Added waterfront setbacks to all zoning districts. The current waterfront setback (Section 18.23) required a minimum fifty (50) foot building setback from a surface water body. The recommended requirements increase this building setback to one hundred (100) feet for all zoning districts except for the LR: Lake Residential District, and the CU: Common Use Residential District. The two residential districts remain at a fifty (50) foot building setback. This approach is recommended due to the relatively smaller lot sizes for the two residential districts with smaller building setbacks.
- 3) Wetlands were specifically identified as a water body feature requiring building setbacks.
- 4) Septic systems are also required to be located at least 100 feet from any surface water body or wetland, in all districts. This distance is recommended by the Michigan Department of Environmental Quality.
- 5) A twenty-five (25) foot vegetated buffer is required along all surface water bodies (including wetlands). Section 18.23 has been modified to include this requirement, including standards for the buffer, activities allowed and not allowed in the buffer, requirements for a site development to ensure preservation of the buffer, and a permitting process for non-permitted activities within the buffer. These buffer requirements have been adopted by both Green Oak and Scio townships.
- 6) Revisions to special land use standards to include setbacks from surface water bodies for certain activities that occur outside of a building (such as storage).

Olsson – Portage Creek/Dexter Township Water Resource Protection Ordinance Language  
May 16, 2014

- 7) Also noted are two comments/questions regarding grading and flow restrictions in Section 24.02:  
Natural Features.

I would look forward to discussing these changes with you at your earliest convenience. In the meantime, please don't hesitate to call if you have any questions.

Sincerely,

  
\_\_\_\_\_  
CARLISLE/WORTMAN ASSOC., INC.  
Sally M. Elmiger, AICP  
Associate

## Water Protection Ordinance Recommendations

### Dexter Township

The following are recommendations to Dexter Township's Zoning Ordinance to further refine and somewhat expand protection of surface water features and water quality within those features. Additions are underlined, and deletions are ~~struck through~~.

#### Section 2.02: DEFINITIONS

*[Modify the following language as shown]*

**Frontage:** The total continuous length of the line separating said lot from the public or private right-of-way, and frequently identical to the front lot line. In the case of waterfront lots, the term frontage shall also apply to the total continuous length of the ordinary high water mark. (See "~~Lot Line, Front~~ Waterfront.")

#### Buffer Area:

- 1. Visual/Sound Buffer:** A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties even if not in a separately established buffer zone and may be so required by this Ordinance.
- 2. Surface Water Body Buffer:** A strip of land adjacent to a surface water body that contains naturally-occurring (native) vegetation that moderates water temperature, provides wildlife habitat, and buffers the water body from negative impacts of the abutting land uses, such as filtering pollutants from runoff and protecting shores from soil erosion.

**Lot Lines:** The lines bounding a lot or parcel (*see Figure 2-4 at end of this Section.*)

- 1. Lot Line, Front:** The line(s) separating the lot from any street right-of-way, private road or other access easement (*see Figure 2-4 at end of this Section*) ~~except in the case of a waterfront lot which shall have an additional front lot line consisting of the ordinary high water mark~~. A corner lot and through lot shall have two front lot lines. A front lot line shall be continuous at least a sufficient length to conform with the minimum lot width requirement of the district.
- 2. Lot Line, Rear:** The lot line opposite and most distant from the front lot line, except in the case of a ~~waterfront lot or~~ through lot, which shall not have a rear lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line (*see Figure 2-4 at end of this Section*).
- 3. Lot Line, Side:** Any lot line other than a front or rear lot line (*see Figure 2-4 at end of this Section*).
- 4. Lot Line, Waterfront:** The lot line consisting of the ordinary high water mark or wetland edge of an abutting surface water body.

**Setback:** The minimum distance between the lot line and the structure, as required herein (see definition for “lot line” and its application to waterfront lots).

1. **Front:** The minimum required distance, extending the full lot width, between the structure and the front lot line.
2. **Rear:** The minimum required distance, extending the full lot width, between the structure and the lot line opposite the front lot line, unless abutting a surface water body, in which case the waterfront setback applies.
3. **Side:** The minimum required distance, extending from the front setback to the rear setback or waterfront setback, between the structure and the side lot line.
4. **Waterfront:** The minimum required distance between the structure and the ordinary high water mark or wetland edge of the abutting surface water body, if any. This setback can occur at the front, side and/or rear of the structure.

**Surface Water Body:** For the purpose of this Ordinance, a surface water body shall be any area that normally has water flowing or standing above ground to the extent that evidence of an ordinary high water mark is established. Lakes, ponds, whether natural or artificial, rivers, streams wetlands, and other watercourses and waters characterized by this definition shall be classified as surface water bodies.

**Yard:** An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance as defined herein (see *Figure 2-4 at end of this Section*).

- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the foundation. There shall be maintained a front yard on each street side of a lot, including corner lots and through lots.
- b. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the foundation of the main building. In the case of corner lots, there shall be two rear yards consisting of those yards opposite the front yards. A through lot shall not have a rear yard.
- c. **Side Yard:** An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the foundation of the main building.
- d. **Waterfront Yard:** An open space between the principal building and the ordinary high water mark or wetland edge, the width of which is the horizontal distance from the nearest point of the ordinary high water mark or wetland edge to the nearest point of the foundation of a building.

*[No other modifications are proposed to this Section.]*

**Section 9.10: SCHEDULE OF REGULATIONS**

*[Modify the following language as shown]*

Zoning District	Min. Lot Area	Min. Lot Width & Frontage (Feet)	Max. Building Height (Feet)	Min. Yard Setbacks (Feet)				Max. Lot Coverage (%)
				Front Yard	Side Yard	Rear Yard	<u>Water-front Yard</u>	
PL: Public Lands	N.A.	N.A.	30 <sup>B</sup>	See 18.23	15	30	<u>100</u>	10 <sup>N</sup>
AG: Agriculture	1-5 acres <sup>C</sup>	150 <sup>D</sup>	30 <sup>B</sup>	See 18.23	15	30	<u>100</u>	10 <sup>N</sup>
RC: Recreation Conservation	5 acres	330	30	See 18.23	15	30	<u>100</u>	5 <sup>N</sup>
RR: Rural Residential	2 acres	150 <sup>D</sup>	30 <sup>B</sup>	See 18.23	15	30	<u>100</u>	10 <sup>N</sup>
LR: Lake Residential	0.5 acre (21,780 s.f.) <sup>E</sup>	50 <sup>F</sup>	30	See 18.23	5 <sup>I</sup>	30	<u>50</u>	25 <sup>JN</sup>
CU: Common Use Residential	2 acres <sup>G</sup>	150 <sup>H</sup>	18	See 18.23	15	30	<u>50</u>	5 <sup>N</sup>
R-3: Mobile Home Park Residential	10 acres <sup>K</sup>	330	25	Conformance to Rules and Regulations of the Michigan Mobile Home Commission <sup>O</sup>				
C-1: General Commercial	1 acre	200	25	See 18.23	30 <sup>L</sup>	30	<u>100</u>	25 <sup>MN</sup>

O. The minimum setback between any structure and the ordinary high water mark or wetland edge of an abutting surface water body shall be 100 feet. See Section 12.03.D. for additional regulations.

**Section 10.01: PL: PUBLIC LANDS DISTRICT**

*[Modify the following language as shown]*

**E. Site Development Requirements:** The following minimum and maximum standards shall apply to all uses and structures in the Public Lands District unless otherwise modified by the provisions of Article 16: Standards for Special Land Uses; Article 18, General Provisions; or as varied pursuant to Article 4: Zoning Board of Appeals.

**3. Minimum Yard and Setback Requirements:**

- a. Front yard: See Section 18.23.
- b. Side yard: Fifteen (15) feet.
- c. Rear yard: Thirty (30) feet.
- d. Waterfront yard: One hundred (100) feet. This requirement shall not apply to boat docks, and boat launching ramps where so permitted within the zoning district.
- e. No farm buildings, pens, corrals, buildings housing farm animals, or storage of manure or odor or dust-producing materials or use shall be permitted within fifty (50) feet of a lot line, or 100 feet of a waterfront lot line (ordinary high water mark or wetland edge of an abutting surface water body).
- f. Septic System: The minimum setback between any septic system and the ordinary high water mark or wetland edge of any surface water body shall be 100 feet.

*[No other modifications are proposed to this Section.]*

## Section 11.01: AG: AGRICULTURE DISTRICT

*[Modify the following language as shown]*

**E. Site Development Requirements:** The following minimum and maximum standards shall apply to all uses and structures in the Agriculture District unless otherwise modified by the provisions of Article 16: Standards for Special Land Uses; Article 17: Open Space Community Overlay District; Article 18, General Provisions; or as varied pursuant to Article 4: Zoning Board of Appeals.

### **4. Minimum Yard and Setback Requirements:**

- a. Front yard: See Section 18.23.
- b. Side yard: Fifteen (15) feet.
- c. Rear yard: Thirty (30) feet.
- d. Waterfront yard: One hundred (100) feet. This requirement shall not apply to boat docks, and boat launching ramps where so permitted within the zoning district.
- e. No farm buildings, pens, corrals, buildings housing farm animals, or storage of manure or odor or dust-producing materials or use shall be permitted within fifty (50) feet of a lot line, or 100 feet of a waterfront lot line (ordinary high water mark or wetland edge of an abutting surface water body).
- f. Septic System: The minimum setback between any septic system and the ordinary high water mark or wetland edge of any surface water body shall be 100 feet.

*[No other modifications are proposed to this Section.]*

## Section 11.02: RC: RECREATION CONSERVATION DISTRICT

*[Modify the following language as shown]*

**E. Site Development Requirements:** The following minimum and maximum standards shall apply to all uses and structures in the Recreation Conservation District unless otherwise modified by the provisions of Article 16: Standards for Special Land Uses; Article 18, General Provisions; or as varied pursuant to Article 4: Zoning Board of Appeals.

### **3. Minimum Yard and Setback Requirements:**

- a. Front yard: See Section 18.23.
- b. Side yard: Fifteen (15) feet.
- c. Rear yard: Thirty (30) feet.
- d. Waterfront yard: One hundred (100) feet. This requirement shall not apply to boat docks, and boat launching ramps where so permitted within the zoning district.
- e. No farm buildings, pens, corrals, buildings housing farm animals, or storage of manure or odor or dust-producing materials or use shall be permitted within fifty (50) feet of a lot line, or 100 feet of a waterfront lot line (ordinary high water mark or wetland edge of an abutting surface water body).
- f. Septic System: The minimum setback between any septic system and the ordinary high water mark or wetland edge of any surface water body shall be 100 feet.

*[No other modifications are proposed to this Section.]*

## Section 12.01: RR: RURAL RESIDENTIAL DISTRICT

*[Modify the following language as shown]*

**E. Site Development Requirements:** The following minimum and maximum standards shall apply to all uses and structures in the Rural Residential District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 17: Open Space Community Overlay District; Article 18, General Provisions; or as varied pursuant to Article 4: Zoning Board of Appeals.

### **3. Minimum Yard and Setback Requirements:**

- a. Front yard: See Section 18.23.
- b. Side yard: Fifteen (15) feet.
- c. Rear yard: Thirty (30) feet.
- d. Waterfront yard: One hundred (100) feet. This requirement shall not apply to boat docks, and boat launching ramps where so permitted within the zoning district.
- e. No farm buildings, buildings housing farm animals, areas where a sustained ground cover cannot be maintained throughout the normal growing season due to the confinement of animals and where such areas exceed twenty thousand (20,000) square feet in size, or storage of manure or odor or dust-producing materials or use shall be permitted within fifty (50) feet of a lot line, or 100 feet of a waterfront lot line (ordinary high water mark or wetland edge of an abutting surface water body).
- f. Septic System: The minimum setback between any septic system and the ordinary high water mark or wetland edge of any surface water body shall be 100 feet.

*[No other modifications are proposed to this Section.]*

## Section 12.02: LR: LAKES RESIDENTIAL DISTRICT

*[Modify the following language as shown]*

**E. Site Development Requirements:** The following minimum and maximum standards shall apply to all uses and structures in the Lakes Residential District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Provisions; or as varied pursuant to Article 4: Zoning Board of Appeals.

### **3. Minimum Yard and Setback Requirements:**

- a. Front yard: See Section 18.23.
- b. Side yard: Five (5) feet plus an additional setback of one (1) foot for each two (2) feet that the dwelling exceeds eighteen (18) feet in height, but not to exceed a maximum setback of fifteen (15) feet. Unless not required elsewhere in this Ordinance, the minimum setback distance between the outside walls of 2 or more structures on neighboring lots shall be 10 feet.
- c. Rear yard: Thirty (30) feet.
- d. Waterfront yard: Fifty (50) feet. This requirement shall not apply to boat docks, and boat launching ramps where so permitted within the zoning district.
- f. Septic System: The minimum setback between any septic system and the ordinary high water mark or wetland edge of any surface water body shall be 100 feet.

*[No other modifications are proposed to this Section.]*

**Section 12.03: MHPR: MOBILE HOME PARK RESIDENTIAL DISTRICT**

*[Modify the following language as shown]*

**D. Site Development Requirements and Site Plan Review:**

3. In addition to complying with the provisions of P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission, the following standards and provisions shall apply:
  - c. Surface Water Body Setback: The minimum setback between any structure and the ordinary high water mark or wetland edge of an abutting surface water body shall be 100 feet. This requirement shall not apply to boat docks, and boat launching ramps where so permitted within the zoning district. The minimum setback between any septic system and the ordinary high water mark or wetland edge of any surface water body shall be 100 feet.

*[No other modifications are proposed to this Section.]*

**Section 12.04: CU: COMMON USE RESIDENTIAL DISTRICT**

*[Modify the following language as shown]*

**D. Site Development Requirements:** The following minimum and maximum standards shall apply to all uses and structures in the Common Use Residential District unless otherwise modified by the provisions of Article 17: Open Space Community Overlay District; Article 18: General Provisions; or as varied pursuant to Article 4: Zoning Board of Appeals.

2. **Minimum Lot Frontage and Lot Width:** The minimum lot frontage and width for lots which abut, and gain direct access to, a major or minor thoroughfare shall be four hundred (400) feet. All other lots, including lots which gain access by a private road or public road in a platted or condominium subdivision, shall have a minimum lot frontage and width of one hundred fifty (150) feet.
  - a. A riparian lot in a CU District:
    - i. Shall have an additional thirty (30) feet of frontage for each residential lot which is granted use of such CU District lot, including condominium units; and
    - ii. Be permitted one bathing beach area that occupies no more than twenty percent (20%) or fifty (50) feet, whichever is less, of the riparian lot in lieu of the required surface water body buffer.
3. **Minimum Yard and Setback Requirements:**
  - a. Front yard: See Section 18.23.
  - b. Side yard: Fifteen (15) feet.
  - c. Rear yard: Thirty (30) feet.
  - d. Waterfront yard: Fifty (50) feet. This requirement shall not apply to boat docks, and boat launching ramps where so permitted within the zoning district.
  - f. Septic System: The minimum setback between any septic system and the ordinary high water mark or wetland edge of any surface water body shall be 100 feet.

*[No other modifications are proposed to this Section.]*



### Section 13.01: C-1: GENERAL COMMERCIAL DISTRICT

*[Modify the following language as shown]*

**E. Site Development Requirements:** The following minimum and maximum standards shall apply to all uses and structures in the General Commercial District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Provisions; or as varied pursuant to Article 4: Zoning Board of Appeals.

**3. Minimum Yard and Setback Requirements:**

- a. Front yard: See Section 18.23.
- b. Side and Rear Yards: Thirty (30) feet, except as otherwise provided below:
  - 1) A minimum sixty (60) foot setback shall be required along a side or rear lot line where such lot line abuts an Agricultural, Conservation or Residential District.
- d. Waterfront yard: One hundred (100) feet. This requirement shall not apply to boat docks, and boat launching ramps where so permitted within the zoning district.
- f. Septic System: The minimum setback between any septic system and the ordinary high water mark or wetland edge of any surface water body shall be 100 feet.

*[No other modifications are proposed to this Section.]*

### Section 16.15: OPEN AIR BUSINESSES

*[Modify the following language as shown]*

**A. The following site and developmental requirements shall apply:**

- 1. All buildings and areas used for loading and unloading shall be set back a minimum of fifty (50) feet from any lot line.
- 2. Ingress and egress to the facility shall be only from a paved minor or major thoroughfare.
- 3. Storage yards associated with home and garden centers, lumber yards and nurseries shall be completely obscured from view from public streets.

**B. Special Performance standards:**

- 1. In the case of auto sales:
  - a. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
  - b. All areas subject to vehicular use shall be paved.
  - c. Areas used for the parking or storage of vehicles shall be set back a minimum of fifty (50) feet from all lot lines and a minimum of one hundred (100) feet from a surface water body or wetland.
- 2. Storage or display of goods and materials shall not occur in the required yards.
- 3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be set back from a surface water body or wetland a minimum of fifty (50) feet and sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands and drainage ways.

*[No other modifications are proposed to this Section.]*

### Section 16.23: EXTRACTION OPERATIONS

*[Modify the following language as shown]*

**A. The following site and developmental requirements shall apply:**

1. Minimum lot area shall be forty (40) acres and the minimum lot width and frontage shall be six hundred sixty (660) feet.
2. Notwithstanding any other minimum setbacks required by this Ordinance, extraction activities shall be set back a minimum of one hundred (100) feet from all lot lines and any **watercourse surface water body** or wetland. All permitted buildings, structures and stationary equipment associated with extraction activities shall be located a minimum of 300 feet from all lot lines.
3. A perimeter landscape buffer zone (which may consist of naturally occurring vegetation) shall be provided, at a minimum, of fifty (50) feet in width.
4. Topsoil stockpiles shall be seeded or covered to prevent wind and water erosion and be **set back from a surface water body or wetland a minimum of fifty (50) feet.**
5. All extraction activities shall use measures to substantially reduce the potential for erosion and limit the amount of sediment reaching surface waters.

*[No other modifications are proposed to this Section.]*

### Section 17.05: OSC DESIGN STANDARDS:

*[Modify the following language as shown]*

A proposed OSC shall comply with the following design standards:

- A. Regulatory Flexibility:** To encourage flexibility and creativity consistent with the OSC concept, departures from the regulations of the base zoning district may be permitted, subject to review and approval by the Planning Commission. For example, such departures may include but are not limited to modifications to lot dimensional standards, setback requirements (**except for waterfront yard setbacks**), and building height standards. Such modifications may be permitted only if the proposed OSC shall result in a higher quality of development than would be possible without the modifications, and that the proposed OSC shall be a recognizable and substantial benefit to the ultimate users of the project and to the community. Such benefit must otherwise be unfeasible or unlikely under the regulations of the underlying district alone. Density standards may not be modified more than the maximum permitted under the bonus provisions of Section 17.05(B) below. All proposed modifications shall be specified in the OSC application materials.
- B. Residential Density Bonus:** Recognizing that individual sites lend themselves to different design solutions with different space utilization requirements and that the OSC process provides that the Planning Commission may exercise discretionary powers, densities in excess of those attainable as illustrated by the conventional plan may be permitted, provided that all other requirements of this Article are met. No residential density bonus increases shall be permitted unless a determination is made by the Planning Commission that the desired density will not adversely affect public services including, but not limited to, water and sewer services, storm water drainage, road conditions and capacity, traffic, parks and recreation, fire and police services, schools, and any planned public and private improvements in the area. Evaluation criteria for the approval of a density bonus shall be as follows:

2. **Superior Design:** The Planning Commission may grant an additional density bonus increase above and beyond that available under Section 17.05(B)(1) for proposals that exhibit superior design character. A ten percent (10%) density increase in all Districts upon which the OSC District applies shall be authorized for each of the following attributes that the Planning Commission finds is Dexter Township Zoning Ordinance Article 17: Open Space Communities (OSC) Overlay District 17-3 substantially reflected in the OSC design, based upon the reasonable discretion of the Planning Commission. However, in no case shall the total density increase for superior design exceed fifty percent (50%) in all Districts upon which the OSC District applies, based upon the number of dwellings that would otherwise be attainable under the Conventional Plan.
  - e. Strategic placement of dedicated open space in relation to abutting OSC projects, or other abutting permanent open space or conservation area, to support continuous networks of important environmental resources systems including, but not limited to, surface water bodies, wetlands, surface water body buffers, woodlands, stream corridors, and wildlife corridors and habitats.

*[No other modifications are proposed to this Section.]*

## Section 18.18: ACCESSORY USES, BUILDINGS, STRUCTURES and FENCES

*[Modify the following language as shown]*

- C. Placement:** Except as provided below or elsewhere in this ordinance, detached accessory buildings and structures shall not be located in any front yard, are subject to all side yard and waterfront yard setback requirements of the District in which it is located, and shall be set back a minimum of ten (10) feet from any rear lot line except that such minimum distance shall be increased by one (1) foot for each one (1) foot of building or structure height in excess of ten (10) feet.
- 2. Front Yard Placement:** Except as provided in Section (C)(1) above or Section 18.18(C)(3) and (4) below, detached accessory structures may be located in the front yard area of a lot, subject to (a), (b), and (c) below:
- a. The minimum front yard setbacks of a detached accessory structure shall be as follows:
    - i. Fifty (50) feet from a surface water body.
    - ii. Two hundred (200) feet or seventy-five percent (75%) of the distance between all other front lot lines and the principal structure, whichever is greater.
  - b. The detached accessory structure shall meet all of the side, ~~and~~ rear, and waterfront setback requirements of the District in which it is located.
  - c. The detached accessory structure shall not exceed the lot coverage limits set forth in Section 18.18(D), nor shall it cause the total lot coverage of the lot to exceed the maximum allowable lot coverage of its respective zoning district.
- 4. Walkways and Sidewalks (Waterfront Lots in the Lakes Residential District):** Waterfront lots in the Lakes Residential District may have a constructed walkway or sidewalk of not more than three (3) feet in width located within a required surface water body waterfront yard setback or side yard setback, subject to (a) through (c) below :
- a. The finished grade of the walkway or sidewalk shall not be higher than the surrounding grade level at its lowest point.
  - b. The walkway or sidewalk shall be at least five (5) feet from a side lot line.
  - c. The walkway or sidewalk may extend to a surface water body, through the surface water body buffer, as long as the walkway or sidewalk is substantially perpendicular with the ~~front~~ waterfront lot line or surface water body.
- F. Walls and Fences:**
- 3.** In the case of a waterfront lot in a Lakes Residential District, no fence or wall shall exceed a height of three (3) feet and no fence or wall or portion of a fence or wall located in the ~~front~~ waterfront yard adjacent to the lake shall extend toward the lake a distance of more than twenty percent (20%) of the average distance between the dwelling facade line nearest the lake and the ordinary high water mark of the lake or edge of the wetland. However, in no case shall such fence or wall extend more than twenty (20) feet from the dwelling facade line nearest the lake or wetland to the ordinary high water mark of the lake or edge of wetland. For example purposes only, the average distance between the dwelling facade line nearest to the ordinary high water mark of ~~the a~~ lake for Dwelling #1 below is 50'. 20% of this distance is 10'. Therefore, fences A, B and C cannot extend more than 10' from the dwelling facade line nearest to the lake to the ordinary high water mark. For Dwelling #2, the average distance between the dwelling facade line nearest the ordinary high water mark of the lake is 120'. 20% of this distance is 24'. However, because a fence cannot extend more than twenty (20) feet from the dwelling facade line nearest the lake to the ordinary high water mark of the lake, fences A, B and C cannot extend more than 20' from the dwelling facade line nearest the lake to the ordinary high water mark. *[No other modifications are proposed to this Section.]*

**Section 18.23: FRONT YARD ~~and WATER BODY~~ SETBACKS AND SURFACE WATER BODY BUFFERS**

*[Modify the following language as shown]*

**B. Surface Water Body Setbacks: Buffers:** ~~Unless permitted elsewhere in this Ordinance,~~ All lots and parcels shall maintain a minimum ~~fifty (50)~~ twenty-five (25) foot ~~setback~~ surface water buffer between buildings, structures and parking areas and the ordinary high water mark ~~or wetland edge~~ of a surface water body. ~~This requirement shall not apply to boat docks, and boat launching ramps where so permitted within the zoning district.—~~The surface water body buffer shall contain undisturbed native vegetation that is naturally occurring along the surface water body or wetland edge. The undisturbed vegetated area aims to protect the physical and ecological integrity of the surface water body and wetland ecosystems.

1. **Buffer Standards:** The surface water body buffer shall maintain the following standards.

a. Within the surface water body buffer, trees, and shrubs may be selectively pruned or removed for harvest of merchantable timber, to achieve a filtered view of the water from the main dwelling, and for reasonable private access to the water. Said pruning and removal activities:

i. Shall ensure that a live root system stays intact to provide for water bank stabilization and soil erosion control.

ii. Shall ensure that any path to the surface water body meets the requirements of Section 18.18 and meanders down to the water body edge in a manner which protects the soil and vegetation from erosion. Pathways or boardwalks running along or parallel to the surface water body within the required buffer shall be prohibited.

iii. Dead, diseased, unsafe or fallen trees, invasive vegetation including buckthorn, honeysuckle, and multiflora rose, and noxious plants and shrubs, including poison ivy, poison sumac and other plants regarded as common nuisances in section 2, Act 359 of the Public Acts of 1941, as amended, shall may be removed.

iv. Planting of perennial native species on the surface water body buffer is encouraged, especially where exposed soil or steep slopes exist or where reforestation is necessary.

v. Shall be accompanied by a permit from the Zoning Administrator, as outlined in Section 18.23.

vii. The construction, maintenance, repair or operation of gas or oil pipelines, electric transmission and distribution power lines, and municipal water and sewer lines shall be exempt from this requirement as long as the pipelines, power lines, or other utility lines are constructed, maintained or repaired in a manner to assure that any adverse effect on the surface water body buffer will be otherwise minimized.

2. **Existing Conditions.** All nonconforming uses, vegetation or plantings, and structures existing in the surface water body buffer at the effective date of this regulation may be continued but shall not be changed or enlarged in a manner that increases the degree of nonconformity.

3. **Project Requiring Site Plan Review or Special Use Review.** Development projects including site condominiums, subdivisions, and Planned Unit Developments (PUDs), or projects that require site plan review or special land use approval that are subject to Article 6 or Article 7 of this ordinance and are required to provide a surface water body buffer, shall also:

a. Designate how the buffer will be maintained preserved. The strips shall be maintained preserved through:

EITHER

A declaration of protective covenant, approved by the Township body responsible for approving the development project. The covenant shall be recorded in the land records and shall run with the land and continue in perpetuity.

OR

A conservation easement to a local land conservancy acceptable to the Township body responsible for approving the development project. The easement shall be recorded in the land records and shall run with the land and continue in perpetuity. Terms of such an easement shall be at least as restrictive as those included in this ordinance. The easement shall be submitted to the Township body responsible for approving the development project for their review, or review by their designee, prior to execution.

i. All lease and sales agreements must contain a notation regarding the presence and location of protective covenants for surface water body buffers, and which shall contain information on the management and maintenance requirements for the buffer for the new property owner.

ii. An offer of dedication of a surface water body buffer by conservation easement shall not be interpreted to mean that this offer automatically conveys to the general public the right of access to this area.

iii. If a conservation easement is dedicated, the land conservancy shall inspect the buffer annually and immediately following severe storms for evidence of sediment deposition, erosion, or concentrated flow channels and identify corrective action to be taken to ensure the integrity and functions of the buffer.

b. Install permanent boundary markers every 200 feet prior to final approval of the required clearing and grading plan. Boundary markers shall be placed at the edge of the buffer opposite the ordinary high water mark or wetland edge.

c. Submit a surface water body buffer maintenance plan with the Final Site Plan, which shall contain the following information:

i. Field-delineated and surveyed surface water body buffer by outside professional consultants.

ii. Steep slopes, regulated wetlands and floodplains for areas adjacent to and within two hundred (200) feet of the surface water body.

- iii. A narrative describing the species and distribution of existing vegetation within the buffer.
  - iv. A narrative describing the restrictions to uses and vegetation cutting and removal within the surface water body buffer.
  - v. A note on the survey stating the following: "There shall be no clearing, grading, construction, storage of construction materials, equipment and the like, or disturbance of vegetation within the surface water body buffer except as permitted by Dexter Township."
  - vi. A note on the survey stating the following: "Any surface water body buffer shown hereon is subject to protective covenants that may be found in the land records and restrict disturbance and use of these areas."
4. **Inspections.** Inspections of construction or use covered by any building or land use permit that requires preservation of a surface water body buffer shall be conducted as described in C. below.
5. **Permits.** To ensure that developments adjacent to surface water bodies, including dwellings, structures, and land alterations, including but not limited to dredging, cutting, and filling and timber cutting and/or removal, are done so as to further the intent and objectives of the Zoning Ordinance, approval of a permit by the Zoning Administrator, pursuant to the procedures described in C. below, shall be required. The Zoning Administrator may submit the permit application and required plot plan to the planning commission for approval or disapproval of the requested permit in those cases where compliance with this chapter and its requirements is in question due to the presence of unique or unusual natural features, potential impacts on natural features, existing nonconformities, or other factors as determined by the Zoning Administrator.
6. **Application of standards.** In cases where nonconforming uses or nonconforming structures exist at the time of adoption of these standards, the planning commission may determine that compliance with all of the overlay standards of this section is unreasonable. In these cases, the standards shall be applied to the maximum extent possible. In such situation, suitable alternatives that substantially achieve the purpose of this section may be accepted by the planning commission, provided that the applicant demonstrate that one or more of the following conditions apply:
- a. Size of the parcel is insufficient to meet dimensional standards.
  - b. A site plan, plat, or special use permit was previously approved by the planning commission or building permits were previously issued by the building department.
7. **Compliance with stormwater management standards.** All activity within surface water body buffer shall be in compliance with all county and township stormwater management standards.

**C. Surface Water Body Buffer Permit:** Excavation for, erection of, addition to, alteration, or moving of any building or structure, or the grading, leveling, or recontouring of land, or the removing of trees in connection with these activities shall not be undertaken nor shall any activity or change of use be commenced within a surface water body buffer until a permit has been issued by the administrator pursuant to this section.

**a. Application requirements.** Application for a surface water body buffer permit shall be made to the Zoning Administrator, signed by the person, firm, partnership, or corporation requesting the same or by the duly authorized agent of such person, firm, partnership or corporation. For those uses requiring a site plan, the Zoning Administrator shall not issue the aforementioned permit until the provisions of Article 6, Site Plan Review, have been satisfied. For those uses not requiring a site plan, there shall be submitted with all applications for a surface water body buffer permit, two copies of a drawing, drawn to scale showing:

The location, shape, area, and dimensions for the lot, lots, or acreage.

Ordinary high-water mark of adjacent waterways.

i. The location of the proposed construction, alteration, or repair upon the lot, lots, or acreage affected, along with existing structures, wells, and disposal systems.

ii. The dimensions, height, bulk of structures, and setback lines.

iii. The nature of the proposed construction, alteration, or repair and the intended uses.

iv. The limits of proposed land disturbance shown in relation to the required surface water body buffer, as well as proposed tree protection and sedimentation/erosion control measures.

v. The present use being made of any existing structure affected and any proposed change in the use thereof.

vi. Any other information deemed necessary by the Zoning Administrator to determine compliance with this chapter and to provide for its enforcement.

**b. Evidence of ownership.** All applicants for permits under this Section shall have available for the Zoning Administrator's inspection, evidence of ownership of all property affected by the permit and shall submit the same upon the request of the Zoning Administrator.

**c. Issuance of permit.** If the Zoning Administrator finds the application conforms to the requirements of this chapter and other laws, codes and ordinances pertaining to use and occupancy, he they shall mark all copies of the application approved over his signature, one copy of which shall be retained by him/her them, and another copy shall be returned to the applicant, stating the extent of the work authorized. The approval of the application and the issuance of the permit shall not be binding upon the Zoning Board of Appeals, in case it is subsequently discovered that the plans or the completed building do not conform to the requirements of this Chapter. The issuance of a permit for work within the surface water body buffer pursuant to this Section does not release the applicant from the permit requirements of other agencies, including, but not limited to, Soil Erosion and Sedimentation Control Permits



issued by the Washtenaw County Drain Commissioner pursuant to Part 91 of Act 451 of the Public Acts of 1994.

- d. Voiding of permit.** Any permit granted under this Section shall be null and void unless the development proposed shall have its first zoning inspection within X months of the date of granting the permit. The Zoning Administrator shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared. Said notice shall be mailed to the permit holder at the address indicated on said permit application. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his their agent or is in violation of any of the provisions of this Chapter or of any other laws, codes or ordinances pertaining to use or occupancy.
- e. Inspection.** The construction or use covered by any building or land use permit shall be subject to the following inspections:
- i. At the time of staking out grading limits and identifying trees proposed for removal, but prior to the commencement of such activity.
  - ii. Following grading and tree removal, where necessary, at the time of staking out of lot corners and building foundations at all building corners. It shall be the duty of the holder of every permit to notify the Zoning Administrator when completed grading and tree removal and staking of lot and building corners are ready for inspection. Failure to make proper notification of the time for inspection shall automatically cancel the permit, and require issuance of a new permit before construction may proceed or occupancy may be permitted.
  - iii. Upon completion of the work authorized by the permit, it shall be the duty of the holder of every permit to notify the Zoning Administrator when the construction is ready for inspection. Failure to make proper notification of the time for inspection shall automatically cancel the permit, and require issuance of a new permit before construction may proceed or occupancy may be permitted.
  - iv. All normal inspections required by the current building code in effect in the Township.
  - v. At the time a land use activity is commenced.

*[No other modifications are proposed to this Section.]*

**Section 24.01: PURPOSE**

The purpose of this Article is to promote a healthy environment in Dexter Township as it relates to the Township's natural resources, sensitive ecosystems, the integrity of the Township's land, water, and air, and the quality of the Township's visual environment, including the management of outdoor lighting and its impact upon traffic safety, adjacent land uses and the night sky. All provisions of this Article apply to all structures and uses unless otherwise noted.

**Section 24.02: NATURAL RESOURCES**

*[Modify the following language as shown]*

- D. Clearing, Grading, and Filling:** In order to protect soil resources, adjacent properties, public roads, public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance.
- 1. Clearing of a Site:** Stripping and removal of topsoil from the site is prohibited prior to issuance of a Zoning Permit and the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas. "Disturbed areas," as applied to this section, shall be interpreted to mean any area of a lot which is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon. **(NOTE TO TOWNSHIP: CLEAR CUTTING IS NOT A RECOMMENDED PRACTICE FOR WATER QUALITY PROTECTION.)**
  - 2. Flow Restrictions:** The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flow away from the building or structure and is managed in a manner which avoids increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse or the creation of standing water over a private sewage disposal drainage field. **(NOTE TO TOWNSHIP: IS THIS NECESSARY SINCE ANY GROUND DISTURBANCE OVER AN ACRE REQUIRES A SOIL EROSION PERMIT FROM THE DRAIN COMMISSIONER'S OFFICE?)**
  - 3. Elevation Restrictions:** Filling a parcel of land to an elevation above the established grade of adjacent developed land is prohibited without the expressed written approval of the County Drain Commissioner, and approval by the Planning Commission.

*[No other modifications are proposed to this Section.]*